

**FILED**

**APR 16 2018**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JOAN AARESTAD,

Plaintiff,

vs.

TRICON REALTY, INC., and,  
MINERAL COUNTRY, a political  
subdivision of the State of Montana,

Defendants.

CV 16-51-M-DLC-JCL


ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on October 23, 2017, recommending that Plaintiff Joan Aarestad's ("Aarestad") Motion for Partial Summary Judgment against Defendant Mineral County be denied. Aarestad failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, the Court agrees with Judge Lynch that Aarestad has failed to demonstrate the absence of a genuine issue of material fact regarding her abandonment and prescriptive easement theories.

Accordingly, IT IS ORDERED that Judge Lynch's Findings and Recommendations (Doc. 78) are ADOPTED IN FULL. Plaintiff Aarestad's Motion for Partial Summary Judgment (Doc. 53) is DENIED.

DATED this 16<sup>th</sup> day of April, 2018.

  
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Dana L. Christensen, Chief Judge  
United States District Court